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3-25-03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 037267/0139

Applicant: Yozo YOSHIMURA

Title: NETWORK ADMINISTRATION SYSTEM AND METHOD OF RE-ARRANGING NETWORK RESOURCES

Serial No.: 09/865,510

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Filed: May 29, 2001

MAR 21 2003

Examiner: Unassigned

Technology Center 2100

Art Unit: 2152

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any documents herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued February 4, 2003 with respect to a counterpart Japanese patent application is provided below.

"Note

Claims: 7, 8, 13-19

Remarks

Claim 16, Lines 2-3 and Claim 19, Lines 1-8 state that, "the network administrator uses the aforementioned network administration process to reallocate network resources in cells where concentration of traffic is anticipated," and, "in the aforementioned network administration process, the network operation administrator assesses the fault occurrence probability displayed on the screen in the above-described network

administration process; determines whether there are problems in the anticipated reallocation of network resources in cells at the time when carried out in the above-described anticipated reallocation process; if a conclusion is reached that there are problems in anticipation of network resource reallocation, jumps to the above-described anticipated reallocation process and repeats processing subsequent to the above-described anticipated reallocation process; and if a conclusion is reached that there are no problems in anticipation of network resource reallocation ... decision process for ending the network resource reallocation task," but the foregoing description corresponds to human mental activity and does not make use of natural laws; thus, there is not recognized an invention stipulated by the Patent Law, Article 2, Section 1.

Consequently, the invention described in Claims 7, 8, and 13-19 of the subject application cannot be granted a patent, as stipulated by the Patent Law, Article 19, Section 1 Notes.

It is apparent that the items described in Claims 7, 8, and 13-19 do not correspond to an invention specified in the Patent Law, Article 19, Section 1 Notes; therefore, examination of the items described in said claims was not carried out with regard to novelty, progress, and other such patent requirements."

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

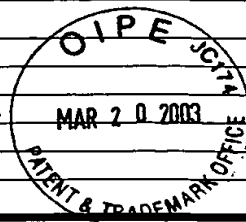
20 March, 2003
Date

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Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	09/865,510
Date Submitted: March 20, 2003				Filing Date	05/29/2001
(use as many sheets as necessary)				First Named Inventor	Yozo YOSHIMURA
Sheet 1 of 1				Group Art Unit	2152
				Examiner Name	Unknown
				Attorney Docket Number	037267-0139



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A1	JP	8-223634			08/30/1996		X
	A2	JP	8-317458			11/29/1996		X

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.